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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,901	02/04/2004	Eric Edwards	Sony-06300	3887

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O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.  
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EXAMINER
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BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/771,901	<b>Applicant(s)</b> EDWARDS ET AL.	
	<b>Examiner</b> Ariel Balaoing	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/30/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Response to Arguments***

1. Applicant's arguments filed 02/07/2006 have been fully considered but they are not persuasive.

Regarding claim 13, the applicant argues, "the applicant traverses the grounds for rejection, and cites *In re Donaldson* as the basis for the traversal. Claim 13 which is written in means plus function form pursuant to 35 U.S.C. 112, sixth paragraph, and therefore, must be interpreted during examination under *In re Donaldson*."; see page 12-14 of the remarks. However, the applicant has not provided reasons why the applicant believes the prior art element should not be considered an equivalent to the specific structure, material or acts disclosed in the specification. Such reasons may include, but are not limited to: 1) teachings in the specification that particular prior art is not equivalent, 2) teachings in the prior art reference itself that may tend to show non-equivalence, or 3) Rule 132 affidavit evidence of facts tending to show non-equivalence. Furthermore, the examiner contends that as seen page 6, lines 3-10 and page 18, line 19-page 19, lines 3 of the specification, descriptions in the specification are not intended to be limiting or exhaustive to the precise embodiments disclosed.

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is written in means plus function format. However the applicant's specification discloses various embodiments of the elements claimed, which renders the claim unclear. The language of 112, 6<sup>th</sup> paragraph does not go so far as to permit a so-called single means claim, that is a claim which recites merely one means plus a statement of function and nothing else. A mere *recital* of a multitude of elements or steps in a claim is not determinative of the *invention* it defines. See *In re Hyatt*, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-5, 7-10, 12--20, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARRIS et al (US 6,765,492 B2) in view of ICHIKAWA et al (US 2004/0046871 A1).

Regarding claim 1, HARRIS discloses detecting a device (column 2:lines 15-23); detecting a device type of the device (column 2:lines 15-23; column 5:lines 1-8); and transmitting a signal to the device for selectively disabling a function of the device based on the device type (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20). However, HARRIS does not disclose requesting a payment to restore device function;

executing a payment transaction; and restoring the disabled function of said device in response to said payment transaction. ICHIKAWA discloses requesting a payment to restore device function (Figure 12, S225; paragraph 88-90); executing a payment transaction (Figure 12, S226; paragraph 88-90); and restoring the disabled function of a device in response to said payment transaction (Figure 12, S227; paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising: detecting a location of the device (column 4:lines 22-31); wherein selectively disabling a function of the device is based on the location of the device (column 4:lines 32-41).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising exempting the disabling of functions of the device in response to detecting device characteristics indicative of emergency services (col. 4, line 60-67).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising

detecting a profile containing a device type field and a function field (column 4:lines 22-67; column 5:line 54-column 6:line 5).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising storing the profile with a storage module (column 5:line 54-column 6:line 5).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein the function to be selectively disabled is the ability to carry on a conversation on a cellular phone (col. 4, line 42-59).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose wherein the function to be selectively disabled is a function which captures an image with the device. ICHIKAWA discloses wherein the function to be selectively disabled is a function which captures an image with the device (paragraph 2, 26). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include disabling a function which captures an image, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows restricted use of image capturing in places where photographing is prohibited, such as a movie theater, museum, etc.

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose wherein the

device is a still camera, a video camera, personal digital device with an image capture module, or image capture device. ICHIKAWA discloses wherein device is a still camera, a video camera, personal digital device with an image capture module, or image capture device (paragraph 2, 26). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include disabling a function which captures an image, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows restricted use of image capturing in places where photographing is prohibited, such as a movie theater, museum, etc.

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein the device is a cellular phone, or pager (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose wherein said payment transaction comprises a credit card authorization or a micro-payment authorization. ICHIKAWA discloses wherein said payment transaction comprises a credit card authorization or a micro-payment authorization (paragraph 89).

Regarding claim 13, HARRIS discloses a system comprising: means for detecting a device (column 2:lines 15-23); means for detecting a device type of the device (column 2:lines 15-23; column 5:lines 1-8); and means for transmitting a signal to

the device for selectively disabling a function of the device based on the device type (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20). However, HARRIS does not disclose means for requesting a payment to restore device function; means for executing a payment transaction; and means for restoring the disabled function of said device in response to said payment transaction. ICHIKAWA discloses means for requesting a payment to restore device function (Figure 12, S225; paragraph 88-90); means for executing a payment transaction (Figure 12, S226; paragraph 88-90); and means for restoring the disabled function of said device in response to said payment transaction (Figure 12, S227; paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

Regarding claim 14, HARRIS discloses a method comprising: detecting a device (column 2:lines 15-23); detecting a device type and location of the device (column 2:lines 15-23; column 5:lines 1-8; column 4:lines 22-67); and selectively disabling a function of the device based on the location of the device and the device type (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-59). However, HARRIS does not disclose requesting a payment to restore device function; executing a payment transaction; and restoring the disabled function of said device in response to said payment transaction. ICHIKAWA discloses requesting a payment to restore device



function (Figure 12, S225; paragraph 88-90); executing a payment transaction (Figure 12, S226; paragraph 88-90); and restoring the disabled function of a device in response to said payment transaction (Figure 12, S227; paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising exempting the disabling of functions of the device in response to detecting certain device characteristics (col. 4, line 60-67).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein said certain device characteristics comprise characteristics which indicate the device is used by the police or emergency services (col. 4, line 60-67; emergency functions are exempted from call blocking which is used by emergency services to contact the user).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising recalling a profile including an area field, a device type field, and a function field for

disabling the function of the device (column 4:lines 22-67; column 5:line 54-column 6:line 5).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose wherein the device type is an image capturing device. ICHIKAWA discloses wherein the device type is an image capturing device (paragraph 2, 26). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include disabling a function which captures an image, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows restricted use of image capturing in places where photographing is prohibited, such as a movie theater, museum, etc.

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein the device type is a cellular phone device (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-20).

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose wherein if said selective disabling of a function is not confirmed, then an indiscriminate disablement of the device is performed or the device is turned off (paragraph 52-54; paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to

pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose wherein selectively disabling the function prevents the device from capturing an image. ICHIKAWA discloses wherein selectively disabling the function prevents the device from capturing an image (paragraph 2, 26, 52-54). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include disabling a function which captures an image, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows restricted use of image capturing in places where photographing is prohibited, such as a movie theater, museum, etc.

Regarding claim 23, HARRIS discloses a system, comprising: a recognition module for detecting a device and a device type of the device (column 2:lines 15-23; column 5:lines 1-8); a location module for detecting a location of the device (column 4:lines 22-67); and a storage module configured for storing a profile that selectively disables a function of the device based on the device type and the location of the device (column 4:lines 22-67). However, HARRIS does not disclose a transaction module configured to handle a payment request in exchange for restoring the function of the

device which was disabled. ICHIKAWA discloses a transaction module configured to handle a payment request in exchange for restoring the function of the device which was disabled (paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, HARRIS does not disclose further comprising indiscriminate disabling of the device if said selective disabling of a function is not confirmed. ICHIKAWA discloses further comprising indiscriminate disabling of the device if said selective disabling of a function is not confirmed (paragraph 52-54; paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses wherein the recognition module further comprises detecting an identity of the device (column 2:lines 15-23).

Regarding claim 26, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HARRIS further discloses further comprising an interface module for communicating with the device (column 4:lines 22-67).

Regarding claim 27, HARRIS discloses a computer-readable medium having computer executable instructions for performing a method comprising: detecting a device (column 2:lines 15-23); detecting a location of the device (column 4:lines 22-67); detecting a device type of the device (column 2:lines 15-23; column 5:lines 1-8); and selectively disabling a function of the device based on the location and the device type (column 2:lines 15-23; column 3:lines 16-42; column 4:lines 3-59). However, HARRIS does not disclose requesting a payment to restore device function; executing a payment transaction; and restoring the disabled function of said device in response to said payment transaction. ICHIKAWA discloses requesting a payment to restore device function (Figure 12, S225; paragraph 88-90); executing a payment transaction (Figure 12, S226; paragraph 88-90); and restoring the disabled function of a device in response to said payment transaction (Figure 12, S227; paragraph 88-90). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HARRIS to include the ability to pay for disabled services, as taught by ICHIKAWA, as both systems relate to restricting the functions of a portable electronic device (HARRIS, col. 6, lines 6-20; ICHIKAWA, abstract, paragraph 2, 26). This is beneficial in that it allows preferential functionality of a wireless device within a defined area.

6. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARRIS (US 6,765,492 B2) in view of ICHIKAWA et al (US 2004/0046871 A1) and in further view of GOUGH (US 6,823,199 B2).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HARRIS discloses suppression of the ring signal (column 4:lines 3-7), the combination of HARRIS and ICHIKAWA does not expressly disclose wherein the function is producing an audible alert (abstract; column 2:lines 47-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of HARRIS and ICHIKAWA to prevent the mobile device from emitting sound, as taught by GOUGH, as this suppress electronic noises during times when silence is deemed appropriate.

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HARRIS discloses suppression of the ring signal (column 4:lines 3-7), the combination of HARRIS and ICHIKAWA does not expressly disclose wherein disabling the function prevents the device from emitting sound (abstract; column 2:lines 47-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of HARRIS and ICHIKAWA to prevent the mobile device from emitting sound, as taught by GOUGH, as this suppress audible electronic alerting during times when silence is deemed appropriate.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over HARRIS (US 6,765,492 B2) in view of ICHIKAWA et al (US 2004/0046871 A1) and in further view of HIMMEL et al (US 2003/0134627 A1).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of HARRIS and ICHIKAWA does not expressly disclose wherein the device is a portable music device. HIMMEL discloses wherein the device is a portable music device (abstract; paragraph 12, 31, 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of HARRIS and ICHIKAWA to include other portable devices such as video cameras and mp3 players, as taught by HIMMEL, as both systems relate to disabling functions of mobile devices. This is beneficial in that allows control of various portable devices using a central computer. Also, it is well known in the art to combine multiple functions into a portable communication device, including image capturing functions and audio players.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

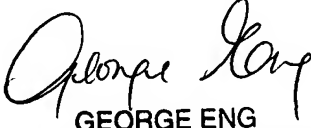
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing  
Art Unit 2617

AB

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER



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